IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 08.09.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Writ Appeal No.3442 of 2002

1.The Government of Tamil Nadu,
rep. by its Secretary,
School Education Department,
Secretariat, Chennai-9.

2.The Director of School Education,
Chennai-6.

3.The District Educational Officer,
Virudhunagar. ... Appellants/RR1 to R3

Vs.

Sri Rao Bahadur A.K.D.
Dharmaraja Girls Higher
Secondary School,
rep. by its Correspondent. .. Respondent/Petitioner

Writ appeals filed under Clause 15 of the Letters Patent against the order dated 08.11.2001 made in W.P.No.7401 of 2000 presented to this Court under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus as stated therein.

WEB COPY

For Appellants : Mr.V.Viswanathan,
Government Advocate

For Respondent : Mr.S.Mani

https://hcservices.ecourts.gov.in/hcservices/

JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM, J.)

The above writ appeal is directed against the order dated 08.11.2002 made in W.P.7401 of 2000, in and by which, the learned single Judge, after setting aside the impugned order, has directed the respondent therein to disburse the salary to P.Jamuna, the writ petitioner, in the cadre of secondary grade teacher and also all consequential benefits.

2. The learned single Judge has issued such a direction mainly relying on paragraph 27 of the common order passed in Writ Appeal Nos.991 to 998 of 1998 dated 29.06.2001 reported in 2002 Writ Law Reporter 173 (SECRETARY AND CORRESPONDENT USWATHUN HASANA ORIENTAL (ARABIC) GIRLS HIGHER SECONDARY SCHOOL VS. THE STATE OF TAMIL NADU).

3. We have verified the relevant paragraph viz., 27. We are satisfied that there is no such direction for payment of salary to the secondary grade teacher from the date of her appointment. On the other hand, the learned Government Advocate has brought to our notice G.O.Ms.No.155 School Education(D2) Department dated 03.10.2002, which came to be issued subsequent to the order of the Division Bench dated 29.06.2001. Among the various clauses para 3(3) is relevant, which reads as under.

'மேற்கண்ட நியமனங்கள் அரசாணைக்குப் பாறம்பாக செய்யப்பட்டுள்ளதாலும், இந்நியமனதாராக்களால் தொடரப்பட்ட ரிட் மனுக்கள் மற்றும் அதனை எதிர்த்து செய்யப்பட்ட மேல்முறையீடுகள் சென்னை உயர்நீதிமன்ற டிவிஷனின் பெஞ்சால் தள்ளுபடி செய்யப்பட்டுள்ளதாலும் மேற்கண்ட நியமனங்களுக்கு நியமன நாள் முதல் ஒப்பதல் வழங்கி, அந்நாள் முதல் ஊதியம் வழங்க இயலாது. எனவே, மேற்கண்ட பயிற்சியை முடித்த நாளிலிருந்து இவர்களுக்கு முறையான இடைநிலை ஆசிரியர்களாக நியமன ஒப்பதல் அளித்து, அந்த நாளிலிருந்து மட்டுமே இடைநிலை ஆசிரியர் ஊதியம் வழங்க வேண்டும் என்று ஆணையிடப்படுகிறது.'

4. A reading of the above clause makes it clear that the Government has turned down the request of the payment of salary from the date of appointment. However, the Government clarified that after completion of training and after serving a copy of the appointment order, the salary has to be paid from the said date.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

5. Under such circumstances, we are of the view that the direction of the learned single Judge for payment of salary to the writ petitioner from the date of her appointment cannot be sustained. The direction regarding the same is set aside and the writ appeal is allowed to the extent mentioned above. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

raa

To

1.The Secretary,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai-9.

2.The Director of School Education,
Chennai-6.

3.The District Educational Officer,
Virudhunagar.

1 cc To The Government Pleader, SR.41797.
1 cc To Mr.S.Mani, Advocate, SR.41602.

W.A.No.3442 of 2002

GM(CO)
RVL 22.09.2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/